



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	4 VAC 15
VAC Chapter Number:	380
Regulation Title:	Watercraft: Motorboat Numbering
Action Title:	Retain regulation
Date:	March 19, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes uniform standards for collecting data pertaining to the numbering (registration) of motorboats, the display of those numbers, and reporting requirements when the ownership of a motorboat changes, or the boat is lost or recovered. It also establishes the criteria by which a registration may become invalid.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Section 29.1 Chapter 7, Article 1 of the Code of Virginia. Boat Registration and Identification.

State or federal law or regulation does not mandate this regulation. Federal regulation 33 CFR Ch.1, Subchapter S requires motorboat numbering and details numbering requirements. Section 29.1 Chapter 7 makes the federal requirements a requirement of the Commonwealth. Violators may then be charged under state statutes. This regulation applies to all motorboats used on the public waters of the Commonwealth.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No citizen comments were received by mail, email, or other channels regarding this regulation during the announced periodic review comment period as provided in the Notice of Periodic Review published in the *Virginia Register of Regulations*. The comment period closed Tuesday, January 9, at 5 p.m. No informal advisory group was formed nor is advisory group formation planned.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The purpose of this regulation is to establish uniform standards for collecting data pertaining to the numbering (registration) of motorboats as required in § 29.1 Chapter 7. The U.S. Coast Guard requires vessels propelled by machinery to be registered in the state of principal operation. To qualify as an approved "issuing authority" by the U.S. Coast Guard, a state must record specific data describing the owner and the vessel. This regulation specifies information to be retrieved for the issuance of motorboat registration numbers, display of registration numbers, and the replacement or cancellation of motorboat registration numbers

Motorboat numbering (registration) is essential to protect the health and safety of recreational, commercial and government owners of vessels in that it: (a) provides a means of identifying vessels and their owners in the event of a boating accident, and (b) provides a reliable means for distributing boating safety information to boat owners and through this means enhances the safety of citizens using the waterways of the State. It is essential to protect the welfare of citizens in that it supports the recovery of stolen vessels.

The revenue collected from boat owners for the issuance of boat registrations is returned to boaters by providing public educational and safety information programs, law enforcement patrols on the waters of our state, search and rescue service to boaters in need, and builds and maintains boat ramps and access areas for public entry to our State's waters.

To participate in the Department of Transportation/U.S. Coast Guard State Recreational Boating Safety Program (Wallop Breaux Trust Funds) and receive financial assistance for boating safety education and enforcement activities, a state must include in its boating program a vessel numbering (registration) system. To receive this federal financial assistance, a state must provide matching funds to carry out the boating safety program. Our State's matching funds are derived through the issuance of motorboat registrations to boat owners.

The regulation is clear and readily understood by boaters of the Commonwealth.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

Alternatives Considered:

Alternative 1: Regulation as currently exists.

Description: The Department of Game and Inland Fisheries is the U.S. Coast Guard approved "issuing authority" for the numbering of vessels in the state. This serves Virginia's boaters and allows DGIF to receive Federal matching funds for the provision of boating safety education and boating law enforcement activities in Virginia.

Level of burden on the public: Low.

Discussion: This is the preferred alternative.

Alternative 2: No Virginia regulation addressing motorboat numbering.

Description: In the event of termination of this regulation, Virginia would not be in compliance with Federal regulations required to be adopted to compile data necessary to be the authorized "issuing authority" for the numbering of vessels. If Virginia were not the authorized "issuing authority," the U.S. Coast Guard would administer the vessel numbering system. Currently, all states have adopted Federal regulations and this procedure of numbering vessels.

Level of burden on the public: If the Coast Guard was administering the vessel number system, the level of burden on Virginia boat owners would not be reduced.

Discussion: This alternative is not preferred. Virginia and all other states have adopted numbering systems. This qualifies them for federal boating safety funds.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends that the regulation stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

Revenues generated from motorboat numbering provides funds for boating safety activities and boating access. Reducing boater injury, loss of life, and economic costs associated with accidents should all support the institution of the family. In addition, boating is a family affair and affords the opportunity strengthen family relationships through shared outdoor activity.

Private businesses that sell boats, marine equipment, and which provide other goods and services related to the boating industry all benefit from safe boating. Boating tourism is enhanced by the public's perception that safe boating conditions exist on Virginia's waterways. Families are strengthened by the economic returns from the boating and tourism industries.

This regulation has minimal impacts on the authority and rights of parents in the education, nurturing and supervision of their children. It has little impact on encouraging or discouraging economic self-sufficiency, self-pride or the assumption of responsibility for oneself or family members. The marital commitment is unaffected by this regulation.

This regulation does encourage economic self-sufficiency by providing jobs related to the watercraft industry that may not otherwise be available if Virginia's waterways were deemed unsafe for recreational boating.